

APPLICANTS:
Cheryl and David Sponaugle

REQUEST: A variance to enclose an existing carport located within the required 20 foot side yard setback

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY

BOARD OF APPEALS

HEARING DATE: January 12, 2005

Case No. 5462

ZONING HEARING EXAMINER'S DECISION

APPLICANTS: Cheryl and David Sponaugle

LOCATION: 1919 Old Joppa Road, Joppa
Tax Map: 60 / Grid: 2E / Parcel: 60
First Election District (1st)

ZONING: AG / Agricultural

REQUEST: A variance, pursuant to Section 267-34C, Table II, of the Harford County Code, to allow the enclosure of an existing carport within the required 20 foot side yard setback.

TESTIMONY AND EVIDENCE OF RECORD:

The Co-Applicant Cheryl Sponaugle testified that she and her husband wish to convert an existing carport into an enclosed garage. They had decided some time ago to make improvements to their house and determined that it was most efficient and practical to convert their carport to a garage at the same time. The roof of the carport, along with the roof of the house, has already been replaced and its shingles match that of the existing house.

Mrs. Sponaugle described her lot as being three-quarters of an acre in size, improved by a cape cod type house built in approximately 1948. She and her husband live in the property, which has two bedrooms. She believes that a garage would be a desirable addition.

Mrs. Sponaugle indicated that because of the improvements around her house, and given the shape of her lot, the proposed location of the garage is the only practical one.

To the northwest side of the lot is an existing driveway which services a property to the rear of the subject property. This driveway is approximately 12 feet from the side of the Sponaugle residence, and would accordingly prohibit the construction of a garage at that location. (See Attachment 8 to the Staff Report.) The subject property's septic system is also located to that side.

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Behind the house is located the property's well, which again precludes an improvement from being constructed at that location.

The front yard setback, off Old Joppa Road, comes to virtually the front wall of the house. This feature also effectively precludes a garage from being built to the front of the house without a variance.

Accordingly, the Applicants have concluded that the most practical location for a garage is at the location of the existing carport.

The carport itself is approximately 7 feet from the property line. The garage will not be expanded beyond the footprint of the existing carport, which would, again, place it approximately 7 feet from the side yard property line. This would necessitate a variance of approximately 13 feet.

Mrs. Sponaugle testified that the garage, as well as the house, would be covered with vinyl siding at the same time, with the same materials. Accordingly, to all outward appearances the garage would match the house.

Mrs. Sponaugle has talked to the neighbors on either side of her, and neither have any objection. Across Old Joppa Road is a large farm. Although Mrs. Sponaugle has not talked to that owner, she does not feel that the proposal would have any impact on that property.

Mrs. Sponaugle introduced into evidence as Applicant's Exhibit 1 a statement from two of her neighbors who indicated that they have no opposition to the proposal.

The Harford County Department of Planning and Zoning Staff Report finds that the subject property is unique, noting that the septic system and the well area prohibit the construction of a garage in the front or rear of the dwelling, with a 22' right-of-way easement on the left side of the lot prohibiting that area from being used as a location for a garage. The Staff Report finds no adverse impact on any adjoining property owner.

No testimony or evidence was presented in opposition.

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APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

“Variances.

A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:

(1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.

(2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.

B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.

C. If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”

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FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The Applicants live in an approximately 50 year old cape cod situated on a narrow but relatively deep lot. The house is located almost directly upon the front yard setback line. To the west or northwest the lot is encumbered by a 22 foot wide easement which services an adjoining property. The septic system is also located on the northwest side, with the well located to the rear of the property. An existing two car carport is located to the right, or southeast side of the property. That carport, which appears to have been built at or about the time the home was built, comes to within approximately 7 feet of the side yard lot line.

The Applicants have elected to improve their property by re-roofing and siding the home. The roof of both the home and the carport has already been installed. However, the Applicants have now interrupted their work to seek this variance which would enable them to convert the carport to a garage. The Applicants would then re-side both the house and the garage itself to create what should be an attractive structure.

The addition desired by the Applicants is similar to others throughout Harford County. Indeed, the conversion of an existing, roofed carport to a garage, with no change to its building footprint, is no more than a common improvement to a structure which has existed for many years.

It is accordingly found that the property is unique. The Applicants are not able to construct a garage at any other location on their property; their proposal would be the only practical location for the garage; and the proposal would have no adverse impact upon any adjoining property owner. In fact, the proposal will result in an improvement to both the property and to the neighborhood in general. The practical difficulty suffered by the Applicants without the variance would be their inability to construct a garage, an improvement enjoyed by many others in neighborhoods throughout Harford County. The variance requested is the minimum relief necessary.

CONCLUSION:

It is accordingly recommended that the requested variance be granted, subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the construction of the garage.
2. The garage shall not come any closer to the property line than the existing carport.

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3. The Applicants shall provide landscaping between the garage and the property line. A landscaping plan must be submitted to the Department of Planning and Zoning for approval prior to the issuance of a building permit for the garage.
4. The garage be constructed to match, to the extent reasonably possible, the color, construction, and the roof texture and color, of that of the existing home.
5. The garage shall not be used in the furtherance of a business.
6. The garage shall not be used for motor vehicle repair or for the storage of commercial vehicles and/or contractor's equipment.

Date: February 9, 2005

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner